



# CITY OF AMARILLO

Planning Department

APPLICATION FEE PAID:
DATE _____
RECEIPT NO. _____
CASE NO. _____

**APPLICATION FOR LICENSE TO  
ENCUMBER PUBLIC RIGHT-OF-WAY**

**EXPLANATION TO APPLICANT:**

This is the application for consideration of approval to encumber public rights-of-way. This application shall be processed as follows:

- 1. Completion of application and submission of required application fee of Two Hundred Fifty Dollars (\$250.00)
- 2. Submission of metes and bounds legal description of property requested for encumbrance, two (2) copies of a site plan detailing the proposed right-of-way encumbrance (digital if possible) and two (2) copies of a section profile plan (if applicable) depicting the method or details of the encumbrance installation. Also please include a digital copy if possible.

This application, legal description, associated plan documents, and application fee must be submitted to the City Planning Department. Since the application fee is non refundable, it may not be applied to the cost of the annual license fee. After review by specific City departments and local utility companies, the application will be forwarded to the City Manager for final consideration. If the City Manager approves the request, the applicant is immediately responsible for payment of the required annual license fee.

In signing this application, to applicant acknowledges full understanding of Section 4-6-189 of the Amarillo Code of Ordinances and the other conditions expressed above.

Applicant understands that if a permit is issued, then all provisions of the City ordinances and state laws must be complied with whether herein specified or not.

_____	_____	_____
APPLICANT(S)	ADDRESS/ZIP	TELEPHONE NO.

**APPLICATION INFORMATION (Please print or type)**

APPLICANT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FIRM, CORPORATION, OR BUSINESS NAME \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

TYPE OF ENCUMBRANCE REQUESTED: Surface \_\_\_\_\_ Subsurface \_\_\_\_\_ Air Space \_\_\_\_\_

LEGAL DESCRIPTION OF ENCUMBRANCE PROVIDED? \_\_\_\_\_

NATURE OF ENCUMBRANCE \_\_\_\_\_

PURPOSE OR REASON FOR ENCUMBRANCE \_\_\_\_\_

PROPOSED DURATION OF ENCUMBRANCE \_\_\_\_\_

ADDITIONAL INFORMATION TO SUPPORT APPLICATION \_\_\_\_\_

\_\_\_\_\_

**APPLICATION FOR LICENSE TO  
ENCUMBER PUBLIC RIGHTS-OF-WAY**

The attached form is your application for the City of Amarillo's consideration to allow the encumbrance of public rights-of-way or easements. If this request is approved, a License and Hold Harmless Agreement is prepared which shall comply with Section 4-6-189 of the Amarillo Code of Ordinances. This Section controls the consideration of requests for encumbrances on, over, under, or through public rights-of-way. The requirements are as follows:

- [A] The right to encumber the Public Right-of-way may be granted only by license and every Grantee of a license shall agree to indemnify and hold the City of Amarillo harmless from any and all damages to persons or property, or both, arising in any way out of the use of the licensed premises. Each person applying for a license shall pay an application fee of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) to cover the expenses of the processing costs associated therewith.
- [B] No individual, person, firm, or corporation shall be granted a license for an encumbrance of the Public Right-of-way that would adversely affect the public health, safety, or welfare of the citizens of the City of Amarillo.
- [C] A licensee shall pay a license fee depending upon the amount of right-of-way encumbered as set out below. In no event shall a license fee be less than TWO HUNDRED AND FIFTY DOLLARS (\$250.00) for a period of one year.
  - (1) For a private license authorizing a surface encroachment at the sidewalk level, the annual license fee shall be 7% of the fair market value times the square footage of encumbrance.
  - (2) For a private license authorizing an air space encroachment above the sidewalk level, the annual license fee shall be 7% of the fair market value times the square footage of encumbrance.
  - (3) For a private license to encumber subsurface area, the annual license fee shall be 2% of the fair market value times the square footage of encumbrance.
- [D] Any individual, person, firm, or corporation wishing to encumber the Public Right-of-way in any manner shall submit a license application to the Planning Department. Upon receipt (and normal City department and utility company review) of such application, the Director of Planning shall forward the request to the City Manager for approval.
- [E] Any license granted hereunder shall be drafted or approved by the City Attorney.
- [F] In the event any individual, form, person, or corporation is denied a license, he shall have the right to appeal such denial to the City Commission by filing a written notice of appeal with the City Secretary no later than five (5) days from his receipt of notice of the denial of his request.
- [G] The City Commission shall hear the applicant's request and shall determine whether or not to uphold the denial or to grant the request as presented or to modify it.